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FILED

MAY 16 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PADAM KUMAR KHANNA,

Plaintiff,

vs.

THE STATE BAR OF CALIFORNIA;

PAT McELROY, Judge of The State Bar

Court of California; TAMMY ALBERTSEN-

MURRAY, Deputy Trial Counsel, Office of

the Chief Trial Counsel, the State Bar of

California; ALICE VERSTEGEN,

Investigator of the State Bar of California;

JAJIT SINGH RANDHAWA and BALJIT

RANDHAWA,

Defendants.

Case No:

C07-02587

EMC

COMPLAINT FOR MONEY DAMAGES
FOR VIOLATION OF CIVIL RIGHTS,
FIFTH, SIXTH, EIGHTH AND
FOURTEENTH AMENDMENTS TO THE
UNITED STATES CONSTITUTION,
PERJURY, AND REQUEST FOR
INJUNCTIVE AND DECLATORY RELIEF,
42 U.S.C. § 1983

DEMAND FOR JURY TRIAL

ADR

C-07-5136

Plaintiff complains of Defendants named above and alleges herein as follows:

INTRODUCTION

1. This is an unprecedented and unparalleled case in the history of American
jurisprudence. This case totally abolishes the liberty and property due process rights of
California attorneys. It subjects them to a trial, which is not conducted in a Court of Law as

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NOTICE OF ASSIGNMENT
TO MAGISTRATE JUDGE SEIT

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1 defined by the acts of Congress and the California State Legislature. The decision of a single
2 State Bar Court trial judge is the final decision, which the California Supreme Court can affirm
3 by simply denying the review.

4 2. Armed with such power and authority, the State Bar Court trial judge (judge) can
5 conduct the trial any which way she desires. The trial judge is the sole judge and jury – a single
6 person show. The State Bar Court judge's power is even superior to the President of the United
7 States. President Nixon resigned because there was an implication that he erased 18 ½ minutes
8 of incriminating tape. Here the judge has erased one (1) hour forty (40) minutes of incriminating
9 testimony of the main witness. The electronic recording device, which recorded witness's
10 testimony at the trial (no court reporters are allowed to transcribe the State Bar trial proceedings),
11 was in an exclusive control of the judge. She deliberately erased the main accuser's testimony
12 on cross-examination because that would have exonerated plaintiff. The California Supreme
13 Court by denying the review has affirmed this authority of the judge. This is very well
14 documented in the trial records.

15 3. The judge has the full authority to admit or deny any evidence, document or
16 testimony regardless of any legal standard. Proceedings before the State Bar Court are *sui*
17 *generis*, which is defined as unique, peculiar and constituting a class alone. Ordinary criminal or
18 civil procedural safeguards do not apply. The trial judge has an absolute discretion to disregard
19 any or all civil or criminal procedural safeguards and follow, if she so desires, the Rules of
20 Procedure and Practice published by the State Bar Court. The State Legislature does not enact
21 these Rules of Procedure and Practice. The trial record is full of instances where the judge has
22 denied admission of exculpatory documents such as the certificate of incorporation of the Indian
23 corporation and the DHL Airway Bill receipt showing delivery of DHL cover letter mailed from
24 India and duly received at Ms. Verstegen, the State Bar investigator's address at her Los Angeles
25 office. The judge has overruled legitimate objections. The judge has denied plaintiff's twelve
26 character witnesses to testify as they were ready to testify but the judge ruled that they had to be
27 issued with subpoenas and without subpoenas they could not testify.
28

1 4. Again armed with such power, the trial judge has absolute discretion to call the
2 witnesses as credible even though they commit blatant, obvious and ironclad perjury (Well
3 documented in this case). The Supreme Court does not have time to review because undoubtedly
4 the Supreme Court judges are extremely busy and profoundly overworked.

5 5. Furthermore, the trial judge has the discretion to conspire with the prosecuting
6 attorney of the State Bar to allow the prosecutor to fabricate, spoliage and destroy the crucial
7 exculpatory evidence and term it as the evidence planted secretly by the charged attorney as part
8 of the "*web of deception*" to lure his clients to invest in a sham and non-existent company in
9 India. Never before in the history of American judicial settings has a judge accused a charged
10 attorney with fraudulent, untrue and speculative statements such as, "*Absent any evidence of*
11 *tampering, the Court believes that Respondent somehow had the letter delivered to the State Bar*
12 *and not necessary from India*" and gotten away with. The trial judge implied that the plaintiff
13 somehow or the other put on a Harry Potter invisible cape and performed a Houdini act by
14 bypassing all the security, signup logs, found the State Bar investigator's desk, placed the
15 evidence and disappeared. Plaintiff is unaware of the reason as to why the Supreme Court has no
16 comment about this statement of the trial judge. This incidence was the crucial issue of
17 conviction of plaintiff by the trial judge for weaving a so-called *web of deception*.

18 6. These are some of the legal and factual issues before this Court in this case. This
19 is a case where one person (the State Bar Court trial judge, Ms. Pat McElroy, who got so carried
20 away with hate, prejudice and bias and who possesses enormous power and authority), can take
21 the law into her own hands as the California Supreme Court which has an exclusive authority to
22 administer and regulate State Bar Court does not like to interfere and not accord a judicial
23 hearing, present oral arguments or issue a written opinion but simply deny the review.

24 7. On October 20th, 2004, judge Pat McElroy, the trial judge of the State Bar Court,
25 issued a decision after a three days trial wherein she immediately placed plaintiff on an
26 involuntary inactive enrollment effective within three days of the decision invoking California
27 Business and Professions Code section 6007 (c)(4) and rule 220(c) of the Rules of Procedure of
28 the State Bar and recommended disbarment. This order suspended plaintiff from practicing his

1 profession. No review was sought from the Review Department of the State Bar as plaintiff had
2 an option to seek review directly from the California Supreme Court. Plaintiff filed a timely
3 Petition for Review with the Supreme Court. The Supreme Court did not accord any judicial
4 hearing or allow plaintiff to present any oral argument and summarily denied plaintiff's petition
5 on June 21, 2006 and issued the Final Judgment of disbarment and made the decision of the trial
6 judge of the State Bar stand as the final decision of the case. Plaintiff was deprived of his right
7 to practice his profession BY THE TRIAL JUDGE of the State Bar for one and one half year
8 before the Supreme Court made its decision as the final judgment. Plaintiff pleaded before the
9 Supreme Court that the State statute Business and Professions Code section 6007(c)(4) was
10 unconstitutional and even if it was constitutional, it did not allocate the power to suspend a
11 license of an attorney in the hands of a single referee or a judge of the trial department of the
12 State Bar Court. The Supreme Court was again silent on this issue. Plaintiff respectfully
13 petitions this Court to rule whether Business and Professions Code 6007(c)(4) and rule 220(c) of
14 the Rules of Procedure of State Bar Court are valid and constitutional.

15 8. In her decision of October 20, 2004 (Decision) judge McElroy ruled that in a
16 single act plaintiff, eleven years ago, sometimes in November 1996, lured his husband and wife
17 team of clients to invest in a sham and non-existent corporation in India. Judge stated that
18 plaintiff used the funds, which the clients gave plaintiff for investment in the so-called non-
19 existent Indian Corporation, instead, for personal purposes. Her decision stated that the clients
20 were promised a stock certificate indicating the number of shares in the fake Indian Company,
21 which was labeled as Amerindia Foods Limited (AFL). They testified under the penalty of
22 perjury that they were *never* contacted by AFL or its officers, that they never received any mail
23 or letters from AFL, that all three letters from AFL were hand delivered by plaintiff. No other
24 proof whatsoever was offered. The judge regarded the testimony of Jagjit and Baljit as credible.
25 The prosecutor presented three letters written on the letterhead of AFL stationary and signed by
26 the officers and directors of AFL which the prosecutor alleged that these letters were NOT
27 written by AFL or its fake and made up officers but by plaintiff himself to defraud his clients.
28 Furthermore, the prosecutor presented the testimony of State Bar Investigator, Alice Verstegen,

1 who testified that she tried to contact the bogus Indian Company, AFL, and its officers in India
2 but never got any response. Verstegen also testified that she found an envelop that mysteriously
3 appeared on her desk in her offices in Los Angeles which was purportedly written by the
4 Chairman and Director of Finance of AFL and that this envelop never came through the regular
5 mail from India even though she made enquiries at her place of business. The judge ruled that
6 by creating a fake, non-existent company in India, fabricating AFL letterheads, impersonating
7 AFL officers and placing favorable letter mysteriously at the desk of the State Bar investigator,
8 plaintiff, a seasoned attorney created a "*web of deception*" to *seduce* his clients in investing their
9 money. She stated that these acts of moral turpitudes and dishonesty shock the conscience of the
10 legal profession, pose a danger to the public and degrade the highest professional standards in
11 attorneys. How could a judge with legal background and thoroughly vetted by the Supreme
12 Court could use such powerful derogatory, abusive, insulting and untrue statement is beyond the
13 imagination of plaintiff. It is absolutely clear that the Supreme Court has given hundred percent
14 weight to the judge's finding and recommendation WITHOUT going through the records,
15 documents, evidence, testimonies and the trial transcripts.

16 9. This Decision became the final decision as the Supreme Court denied to review
17 the case. (Attached as Annexure 13 of the Criminal Complaint which is Attachment One))

18 10. As AFL and its directors and officers all resided in India, it was extremely
19 difficult to produce duly attested and authenticated documents admissible to the Court in time.
20 The documents presented by plaintiffs during trial including incorporation certificate of AFL in
21 India and other documents of AFL's existence in India were made inadmissible and the judge
22 accused plaintiff of fabricating these fake documents and misrepresenting to the Court about the
23 existence of AFL. The judge disregarded and rejected any and all documents presented to show
24 that AFL did in fact existed in India. The judge termed these documents as fake and
25 manufactured by plaintiff and categorized the presentation as misrepresentations to the Court
26 without giving any reason.

27 11. The prosecutor offered no evidence, whatsoever, to prove that AFL was indeed a
28 sham and non-existent company set up by imagination of plaintiff. The judge's sole reliance was

1 on the testimony of Ms. Verstegen, the State Bar investigator who testified that she wrote three
2 letters to the directors of AFL but never got any reply.

3 12. ***NEW EVIDENCE, RECENTLY DISCOVERED IN INDIA PROVES***
4 ***BEYOND ANY SHADOW OF DOUBT THAT THE JUDGE AND THE PROSECUTOR***
5 ***CONSPIRED TO FRAME PLAINTIFF AND THAT THE WITNESSES AT THE TRIAL***
6 ***COMMITTED BLATANT PERJURY AND THAT THE PROSECUTOR, MURRAY,***
7 ***SUBORNATED WITH THE WITNESSES JAGJIT, BALJIT AND VERSTEGEN, TO***
8 ***COMMIT PERJURY UNDER OATH AND THAT THE PROSECUTOR, MURRAY***
9 ***FABRICATED, DESTROYED, AND/OR SPOILIATED THE CRUCIAL EXCULPATORY***
10 ***EVIDENCE – THE LETTER FROM AFL IN INDIA.***

11 13. An authenticated copy of the CRIMINAL COMPLAINT filed by Amerindia
12 Foods Limited (AFL) in an Indian Criminal Court against Jagjit Singh Randhawa and his wife
13 Baljit Randhawa and duly attested by the Consul of the United States Embassy in the Republic of
14 India on February 8, 2007 attached herewith reveals the following:

- 15 • That AFL is indeed a legitimate Indian Corporation duly existing and registered
16 in the State of Andhra Pradesh, India and contrary to judge McElroy's finding,
17 AFL is not a sham and non-existing company.
- 18 • That Jagjit Randhawa violated Indian Penal Code, Section 191 when he made
19 untrue and fabricating statements under oath in a judicial setting that he (Jagjit)
20 did not have any contacts with AFL as AFL presented substantial evidence to the
21 Court about his contacts both documentary and direct.
- 22 • That Jagjit did receive correspondence from AFL wherein he was in touch with
23 AFL and its officers and according to AFL's records submitted with the said
24 complaint reveal that he was sent at least five letters and an envelope containing
25 the stock certificate.

- 1 • That Jagjit's remittance of funds for investment, wired through Mr. Padam
2 Khanna, his attorney in California, was duly acknowledged by AFL and his
3 testimony that Mr. Padam Khanna misappropriated those funds for his own
4 personal use was incorrect and fraudulent. Appropriate bank records with the
5 dates of remittances and acknowledgment in the corporate books of AFL were
6 produced and attached with the complaint by AFL.
7
- 8 • That Jagjit committed an act of perjury when he stated to the Court during the
9 trial of Mr. Padam Khanna, his attorney, that he did NOT receive a Stock
10 Certificate acknowledging his investment. AFL's records showed that on
11 November 11, 2003 a Stock Certificate of face value Rs. 10/- each and bearing
12 50,000 shares was duly issued against his payment of Rs. 5,00,000 paid by Draft
13 Order No. 001108 dated December 30, 1996 issued by Union bank of India.
14
- 15 • That Jagjit committed various acts of perjury when he testified under oath that he
16 did not receive the three letters admitted in evidence by prosecutor Murray in
17 Padam Khanna's case before the State Bar. The three letters in question were
18 indeed written by the officers of AFL and duly addressed to Jagjit at his given
19 address.
20
21
22

23 14. This evidence is admissible in the U.S. Courts as it is duly authenticated and
24 attested by the U.S. Consul in the foreign country. The following case law confirms the
25 authentication and attestation.
26

27 *Societe Nationale Industrielle Aerospatiale v. U.S. District Court*, 107 S. Ct. 2542 & N. 28
28 (1987). *Grand Jury Proceedings: The Bank of Nova Scotia II, In re*, 740 F.2d 817 (11th Cir.
1984), *cert. den.*, 469 U.S. 1106 (1985); 105 S. Ct. 778 (1985); *United States v. Bank of Nova*

1 *Scotia I*, 691 F.2d 1384 (11th Cir. 1982), cert. denied, 103 S. Ct. 3086 (1983); *Richmark Corp. v.*
 2 *Timber Falling Consultants*, 959 F.2d 1468 (9th Cir. 1992); *In re Perrier Bottled Water*
 3 *Litigation*, 138 F.R.D. 348 (D. Conn. 1991); *Reinsurance Co. v. Administratia Asigurarilor de*
 4 *Stat*, 902 F.2d 1275 (7th Cir. 1990); *In Re Grand Jury Proceedings Yanagihara*, 709 F. Supp.
 5 192 (C.D. Cal 1989); *United States v. Rubin*, 836 F.2d 1096 (8th Cir. 1988); *Hudson v. Hermann*
 6 *Pfanter GmbH & Co.*, 117 F.R.D. 33 (N.D.N.Y. 1987); *United States v. Davis*, 767 F.2d 1025
 7 (2d Cir. 1985); *Graco, Inc. v. Kremlin, Inc.*, 101 F.R.D. 503 (N.D. Ill. 1984); *Laker Airways Ltd.*
 8 *v. Pan American World Airways*, 103 F.R.D. 42 (D.D.C. 1984); *United States v. Toyota Motor*
 9 *Corp.*, 569 F. Supp. 1158 (C.D. Cal. 1983); *Hong Kong and Singapore Bank Corp. v.*
 10 *Commissioner*, 85 T.C. No. 41 (Nov. 5, 1985); *United States v. First National Bank of Chicago*,
 11 699 F.2d 341 (7th Cir. 1983); *United States v. Vetco*, 691 F.2d 1281 (9th Cir.) cert. denied, 454
 12 U.S. 1098 (1981); *SEC v. Banca della Svizzera Italiana*, 92 F.R.D. 111 (S.D.N.Y. 1981); *In re*
 13 *Uranium Antitrust Litigation*, 480 F. Supp. 1138 (N.D. Ill. 1979); *In re Westinghouse Elec. Corp.*
 14 *Uranium*, 563 F.2d 992 (10th Cir. 1977); *Federal Maritime Commission v. DeSmedt*, 366 F. 2d
 15 464 (2d Cir.), cert. denied, 385 U.S. 974 (1966); *Societe Internationale v. Rogers*, 357 U.S. 197
 16 (1958).

11 15. The enclosed copy of the criminal complaint filed in India by AFL against Jagjit
 12 and his wife Baljit is duly attested by the Ministry of Externat Affairs of India and further
 13 attested and autheticated under the Hague Convention and in accordance with the laws of the
 14 United States by the Embassy of the United States in India. (Attachment One)

16 16. Plaintiff also encloses a recently issued letter, dated February 15, 2007 by one Mr.
 17 R. S, Mahla, Advocate Delhi High Court, India, who represents AFL in India. The letter is
 18 addressed to Mr. Jagjit Singh Randhawa and Mrs. Baljit Randhawa. It serves as a Legal Notice
 19 about a civil suit to be filed. Indian laws require that a Legal Notice apprising the defendants of
 20 the allegations of the lawsuit must first be sent to defendant prior to filing a civil lawsuit for
 21 damages. This letter again proves that AFL, a legitimate Indian corporation, did in fact receive
 22 the funds for investment from plaintiff which were duly recorded in the name of Jagjit Singh and
 23 a stock certificate was indeed issued by AFL and delivered to Jagjit. Plaintiff requests
 24 permission from this Court to file a certfied, attested and authenticated copy of the Civil
 25 Complaint, being filed in India, as and when available. (Attachment Two)

JURISDICTION

17. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §1331 (Federal Question) and 42 U.S.C. § 1983.

VENUE

18. Venue is proper in the Northern District pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1441(a). Venue is also proper and appropriate as both the defendants reside in this district, and a substantial amount of acts and omissions giving rise to this lawsuit occurred in this district.

INTRADISTRICT ASSIGNMENT

19. This lawsuit should be assigned to the Oakland Division of this Court because a substantial part of events or omissions which give rise to this lawsuit occurred in Alameda County.

PARTIES

20. Plaintiff is a resident of Berkeley, California and was engaged in the practice of law from 1979 through October 24, 2004 with offices at 2600 Tenth Street, Berkeley, California. He was a member of the State Bar of California and except this single incident did not have any disciplinary charges against him.

21. The State Bar of California (State Bar) is a Public Corporation which is commonly referred to as an "integrated bar." It is not a state or a government agency and is subject to suits for damages. The State Bar is conducting business within the jurisdiction of the Northern District at San Francisco, California.

22. Ms. Pat McElroy (judge and/or judge McElroy)) is the judge of the State Bar Court of California at San Francisco. She is not an Article VI Section 1 judge of the Constitution of the State of California. She is and has been appointed by the California Supreme Court and not by the Legislature or the Governor.

23. Ms. Tammy Albertsen-Murray (prosecutor and/or Murray and/or DTC) is the Deputy Trial Counsel of the Office of the Chief Trial Counsel of the State Bar.

24. Ms. Alice Verstegen (Verstegen) is the Investigator of the State Bar.

25. Mr. Jagjit Singh Randhawa (Jagjit) is the resident of Hercules, California who was represented by plaintiff in two drunk driving charges.

26. Mrs. Baljit Randhawa (Baljit) is the wife of Jagjit and a resident of Hercules, California who was represented by plaintiff in one criminal charge of theft and two civil matters.

STATEMENT OF FACTS

27. Plaintiff provided excellent legal services to the husband and wife team of Jagjit Singh Randhawa (Jagjit) and Baljit Randhawa (Baljit) in five different matters. Plaintiff represented Jagjit and Baljit from 1996 to 1997. There is no dispute about the quality of services provided. However there is a dispute as to what Plaintiff should have charged as his fees. For example, in the shoplifting case, the judge ruled that approximately \$100 per hour, as fees, was NOT proper. The judge fixed the fee as Ten Dollars and Sixty-Two Cents (\$10.62) per hour in that case where plaintiff made at least three court appearances, meetings with the shop owners and the district attorneys and filed volumes of legal papers – over 32 hours of time was spent. (See Decision page 3).

28. The judge in her decision has misrepresented the facts about representation of parties. Why this has been done is not known.

29. On November 19, 2001, both Jagjit Randhawa and his wife Baljit Randhawa, collectively known as Randhawas, filed a complaint with the State Bar under the penalty of perjury under the laws of the State of California stating that:

"Yes, Mr. Khanna was employed from January 1996 to March 1999.

He was paid at least \$2,100.00 in cash and checks.” Exhibit 9, page 1, para5)

30. During the trial in the hearing department of the State Bar Court held on August 17-19, 2004, however, where Honorable Judge Pat McElroy (judge) presided, Jagjit admitted that this was a false statement and that he did not tell his new attorney, Mr. Bruce Byrnes, that plaintiff, Mr. Khanna, was paid \$2,100 for fees in cash or checks. (T.T. I-174: 16-20). The judge

1 DISREGARDED this obvious perjured statement and called the testimony of Jagjit as 'credible.
2 How the Supreme Court has allowed this finding of the judge to stand is extremely confusing.

3
4 31. Plaintiff represented Jagjit for the first time in January- February, 1996 when he
5 had an accident on a California freeway while taking his new bride recently arrived from India
6 and who was at the Battered Women shelter in San Francisco at that point in time, to social
7 security offices. Jagjit stated that he was legally drunk and while having another fight with his
8 wife, he collided with a truck. As he already had an earlier DUI a month ago and was
9 represented by a public defender, he simply ran away from the scene and left his wife to take the
10 rap. He stated further that the police in fact gave a vehicle code violation citation to his wife
11 who had never driven a car in her life. In the complaint, Jagjit stated:

12
13 "January to February 1996 – Mr. Khanna (Plaintiff) defended Jagjit Randhawa
14 against DUI charges, case 23152(A). There was no written retainer agreement that
15 we recall and Mr. Khanna has not given us the files in spite of repeated requests."

16 Exhibit 9, page 3, para 1

17
18 32. At the trial, however, Jagjit stated that this statement though signed under the
19 penalty of perjury was false. (T.T. I-176: 22-24, I-177: 1-3) and that it was not he who was
20 driving but it was his wife. (T.T. I-177: 16-25 also T.T. I-181: 21-24). The Deputy Trial Counsel
21 (DTC) shifted the blame to Mr. Byrnes, their new attorney, for filing a false statement (T.T. I-
22 174: 5-11) in the hope that Mr. Byrnes could probably get away due to California Code of Civil
23 Procedure, section 47 Privilege. Mr. Byrnes testified that he did not know whether the above-
24 mentioned statement was correct or false and he desperately tried to justify his drafting of the
25 document and stated that he derived the information from Plaintiff's written response to him and
26 that he took the facts from Plaintiff's letters. (T.T. II-29: 12-25 and II-30: 1-25). Jagjit also
27 testified that he never asked Mr. Khanna for the files. (T.T. I-177: 4-15). *The judge in her*
28 *Finding of Facts, however, found that Jagjit was correct and that it was Jagjit's wife Baljit*

1 whom Plaintiff represented in that DUI, Vehicle Code violation matter. (Dec. p.3: 5-6). How the
2 judge arrived at such a conclusion with ALL these facts, documents and testimony before her, is
3 not known.

4
5 33. Paragraph 3, Page 3 of the complaint further stated that:

6
7 “March to July 1996 – Mr. Khanna assisted Baljit Randhawa in getting a
8 Temporary Restraining Order against Jagjit Randhawa. Matters resolved parties
9 reconciled. There was no written retainer agreement that we recall and Mr.
10 Khanna has not given us the files in spite of repeated requests.” Exhibit 9, page 3,
11 para 3.
12

13 34. During the trial both Baljit and Jagjit testified that this statement was also false.
14 (T.T. I). Baljit forcefully stated that Plaintiff was NOT her attorney in this matter and that she
15 met Plaintiff after this “husband and wife fight”. (T.T.)

16 35. *Unlike the first statement, however, the judge, disregarded Baljit and Jagjit’s*
17 *testimony and interjected her own conclusion. The judge concluded in her Findings of Fact that*
18 *everyone was wrong, Jagjit, Baljit, Mr. Byrnes, Plaintiff and even the DTC in their statements*
19 *about this TRO matter. The judge ruled that Plaintiff did represent Baljit. She wrote in her*
20 *decision as follows, “ Respondent (Plaintiff) provided legal services on behalf of and advice to*
21 *Baljit in three matters: (1) Vehicle Code violations; (2) Temporary Restraining Order (TRO);*
22 *and (3) shoplifting matter.” (Dec. p. 3:5-7). How this decision was arrived at also is unknown.*
23

24 36. Even Baljit’s testimony at the trial solicited by DTC for the benefit of the judge
25 was disregarded.

26 “Q. Okay. Okay, now, sometime in 1996, was there trouble between you
27 and your husband?

28 A. Yes.

1 Q. Did Mr. Khanna provide any legal representation to you with respect to
2 the trouble that was going on between you and your husband?

3 A. So, on that case, he was not our attorney because *I met him after that*
4 *case. I did not meet him before that.* (Emphasis added)

5 Q. Okay. By the time – when you did meet M. Khanna, did he provide any form of
6 counseling to you and your husband to try to make things smoother between the two of
7 you?

8 A. So, I told you, I don't know Mr. Khanna before that fight – husband
9 and wife, so then the case was finished. *Then, I met Mr. Khanna*
10 (Emphasis added).”

11
12 (T.T.)

13 37. Despite all this testimony and documents on record, the judge insisted that
14 Plaintiff did represent Baljit in her TRO matter. Again the reason is unknown.

15 38. Clients' complaint further stated that:

16
17
18 **July to September 1996** – Mr. Khanna defended Baljit Randhawa against petty
19 theft charges Plea-bargaining reduced to \$100 fine. There was no written
20 agreement that we recall and Mr. Khanna has not given us the files in spite of
21 repeated requests.

22
23 39. Plaintiff did and an exemplary job in getting Baljit off by pleading guilty to a
24 minor charge. Baljit was caught red-handed on video camera taking price tags and labels off the
25 merchandise and stuffing in her large bag at Ross Dress for Less store in Berkeley. Plaintiff met
26 with the security officer, manager and other personnel and diligently worked with the D.A.
27 Plaintiff spent over 37 hours. Fee was set for \$5,000, which the Randhawas had agreed. As the
28 financial situation of Randhawas was not good, Plaintiff deferred the payment for later date and

1 was paid \$500 in **check**. The judge, however, arbitrated the fee to be only \$500 for such a great
2 job, which amounted to about \$10 and 62 cents per hour. Strangely enough the judge made an
3 unusual statement in her decision. She wrote, "But Baljit did not plead guilty to shoplifting and
4 was let off with a fine of \$100." (Dec.p.3: 21-22). Even our elementary students know that no
5 one gets 'let off' with a fine by pleading not guilty.
6

7 40. Next, Plaintiff represented Baljit in her retrieval of personal property, which she
8 had left with a neighbor while she moved away from the apartment she was sharing with her
9 husband. However, the judge somehow or the other concluded that Plaintiff represented Jagjit
10 and not Baljit.

11 41. It was Baljit who had left her husband because of cruelty and other charges and
12 had moved some of her stuff from her residence to a friend's house when Jagjit was away for a
13 day. She and her husband were living in a two-bed room apartment with another couple at that
14 point in time. After reconciliation, Baljit asked Plaintiff to recover her personal property from
15 this friend who would not return it to her. She gave Respondent a handwritten detailed two page
16 list signed in her own handwriting which listed the furniture and goods she moved in one day
17 when her husband was away. This list is attached as State Bar Exhibit 1, insert 14. It was totally
18 incredible and unbelievable. Here she had just arrived for the first time in the United States from
19 India. Within two months without a job and her husband working as a gas station attendant, she
20 appeared to have amassed such wealth and material goods. They could not pay legal fees. They
21 were living with another couple who had four children in a cramped two-bedroom apartment.
22 Plaintiff was flabbergasted but he did file the complaint in the Contra Costa County on HER
23 behalf. The Case Number is 039235. Defendants' lawyer defended the matter quite well.
24 Defendants propounded substantial interrogatories and were going to file a cross-complaint. At
25 that point in time she requested Plaintiff to drop the case and Plaintiff gladly obliged.
26

27 42. Again, the judge made a deliberate misrepresentation of this fact. She ruled that
28 Plaintiff represented JAGJIT and not BALJIT in this property retrieval case. (Dec. p.4: 5-7). The
judge knew who Jagjit was and who Baljit was and furthermore Baljit is a female and Jagjit is a

1 male and her designation of his and her clearly demonstrates that she intended Jagjit and not
2 Baljit. Why she did that is unknown.

3
4 43. While working on this Baljit case, Jagjit visited Plaintiff in his offices in July
5 1996. He saw some material about an Indian company on a separate desk next to the receptionist
6 area. Plaintiff did not have a secretary at that time and that space next to the receptionist area was
7 temporarily leased to an Indian company, Amerindia Foods Limited (AFL). AFL was
8 contemplating buying food-processing machinery from Italy for shipment to India. As Plaintiff
9 was AFL's legal counsel in the United States and had an equity interest in the Indian Company,
10 he was retained by AFL to negotiate the purchase at that time.¹ Plaintiff remembers talking to
11 Jagjit about AFL and its operations in India. Jagjit showed sufficient knowledge of farming
12 when Plaintiff told Jagjit that he and his family in India were working on development of hybrid
13 organic tomato seeds.

14 44. On or about September 15, 1996, on Sunday, both Jagjit and Baljit, urgently, met
15 with Plaintiff and desperately needed an assistance of a lawyer in India as Baljit's brother was in
16 some terrorist related scrutiny by the Indian Secret Service allegedly connected to 'Khalistan
17 Movement.'² This fact of Baljit's brother's activity was not communicated to Plaintiff.

18 45. Plaintiff referred the Randhawas to his brother in India who was an Advocate of
19 the Supreme Court in India. Plaintiff gave all the instructions and set up the appointment for
20 Baljit's brother to meet with Mr. Chiter Khanna the next day, September 17, 1996 (there was a
21 time difference between California and India Unbeknown to Plaintiff, at that point in time, in
22 desperate moves to obtain U.S. visa, Indian people, particularly in Punjab, were associating with
23 Indian companies who had ties with a business entity in the U.S. They would pay anywhere
24

25
26 ¹ Even though AFL was an Indian company, Plaintiff did have a disclosure form duly
27 signed by ALL the directors of AFL which satisfied all the five criteria of Rule 3-300 as
28 Plaintiff was an equity holder and the legal counsel of the company.

² At that point in time, there was a great crisis in India where the Sikh community was
demanding a separate Sikh state by the name of Khalistan in Punjab.

1 from \$30,000 to \$50,000 to get some type of equity interest and then apply for a visa for training
2 in the U.S. with the American entity. Plaintiff's Exhibit W showing a newspaper article about
3 this fraudulent scheme was not admitted into evidence by the judge.
4

5 46. Both Jagjit and Baljit denied that they sought Plaintiff's help. Their answers on
6 this subject are in the deposition. Plaintiff's Exhibit DD is self-explanatory.

7 47. During the Re-cross examination of Jagjit at the partial retrial, Jagjit's testimony
8 gave absolutely contradictory testimony to his entire stand that they never sought help from
9 Plaintiff regarding their relative's immigration issues. Jagjit's testimony is well recorded. (II-
10 2:25, 3:1-17).

11 48. In October 1996, Jagjit had another serious DUI. In that case his blood level was
12 way high over the legal limits. He had hit another car. He injured the driver and damaged the
13 other car. He ran away from the accident and hid in bushes where the police found him and
14 arrested him. Plaintiff diligently and expertly defended his DUI. The injured plaintiff sued him,
15 his wife and his father, owner of the car, for considerable damages. This hit and run lasted for
16 over seven months when Plaintiff was able to negotiate a settlement deal with the plaintiff's
17 attorney for only \$4,000 wherein Jagjit was to pay only \$100 per month for the next three years
18 because of his financial position.

19 49. On or about November 18, 1996, Jagjit called Plaintiff and informed him that he
20 had deposited \$9,000 in Plaintiff's personal account for partial payment of overdue fees and
21 \$9,000 in the account of Khanna Foods, U.S.A. for onward transmission to AFL in India.
22 Plaintiff was surprised and flabbergasted. Here was a couple, who could not even pay even court
23 filing fees, came into sudden riches. When Jagjit informed Plaintiff in the same telephone
24 conversation that he was going to deposit another \$16,000 the next day, Plaintiff strongly told
25 him not to do so. State Bar Exhibit 28, page two.
26

27 50. Surprisingly at the trial, Jagjit took a different position. He stated that he did not
28 receive this letter. During the cross-examination and in deposition, he did not remember whether
he lived at the address given in the letter. It was in the files, which were given to his attorney.

1 The judge, however, agreed with Jagjit and concluded that Jagjit did not receive this letter, State
2 Bar Exhibit 28, page two.

3
4 51. DTC, in support of her case that Plaintiff solicited investment, introduced into
5 evidence three letters, Exhibit 28 pp.3, 4, and 6. DTC charged plaintiff with fraud of fabricating
6 these three letters. She asserted that these letters were NEVER written by AFL officers or
7 directors but were manufactured by plaintiff himself. In support of her argument, she introduced
8 the testimony of Jagjit who stated under oath that he never received those letters in the mail and
9 the DTC charged plaintiff with fraud of fabricating these three letters. She asserted that these
10 letters were NEVER written by AFL officers or directors but were manufactured by plaintiff
11 himself. In support of her argument, she introduced the testimony of Jagjit who stated under
12 oath that he never received those letters in the mail and that the letters were in fact hand
13 delivered by plaintiff. No other proof was offered. The judge agreed with the DTC and accused
14 plaintiff of fabrication of the letters. All this took place in 1996-1997.
15
16
17

18 **FIRST CAUSE OF ACTION**

19 **(Violation of Fifth Amendment – A Fair Trial)**

20 ***A. ERADICATION OF MAIN WITNESS (JAGJIT'S) TESTIMONY:***

21
22 52. Plaintiff incorporates by reference the foregoing allegations as though fully set
23 forth herein.

24 53. Plaintiff alleges that after the three days trial when plaintiff received the recorded
25 CDs of the proceedings of the trial, plaintiff discovered a gap of over one hour and forty minutes
26 in the cross-examination of the main witness, Jagjit, where plaintiff believes that there were
27 definite instances of Jagjit making false, misleading and perjured statements. Plaintiff on
28 information and belief alleges that the trial judge, McElroy, purposefully, intentionally, wantonly

1 and deliberately erased that said crucial testimony. First, the electronic recording machine was
2 in exclusive, sole and single control of the trial judge, McElroy. Second, she had an extremely
3 important **motive** to erase the said incriminating testimony because she had already decided to
4 convict plaintiff whatever the evidence. Third, plaintiff believes and on that belief alleges that
5 McElroy must have listened to the recording for her to issue a twenty-five page Decision. It is
6 indeed very strange that her Decision DOES NOT mention this crucial one hour forty minutes
7 gap. The Supreme Court's silence on this important issue is intriguing to say the least.
8

9
10 54. Immediately on the discovery of this eradication of Jagjit's testimony, plaintiff
11 filed for a New Trial with the State Bar. The Review Department of the State Bar rejected
12 plaintiff's motion, overruled an important California Appellate Case, Weinstein and ordered a
13 limited two hours of Jagjit's testimony to be retaken. Plaintiff asked for the disqualification of
14 judge McElroy. This motion was denied. A very limited trial was conducted for a few hours
15 before judge McElroy a YEAR LATER of the original trial. This was an extremely outré and
16 bizarre trial. Every step of the way, the judge sustained prosecutor's objections and denied the
17 opportunity to plaintiff to cross-examine Jagjit. Despite her absolute domination and control, it
18 was very clear that Jagjit was coached to plead just eight: "I don't remember. It's been a long
19 time." The CD of this limited trial proves that about over 70% percent of the questions
20 propounded contain the answer, "I don't remember. It's been a long time."
21
22

23 55. Plaintiff respectfully requests this Court to issue a ruling on this important,
24 precedent setting incidence of either intentional erasure or malfunction of the recording machine
25 used in the State Bar trials and whether Weinstein is indeed overruled. Supreme Court's silence
26 indeed overrules Weinstein.
27

28 ***B. CREDIBILITY OF WITNESS JAGJIT:***

1 56. Plaintiff alleges that the judge's discretion of declaring Jagjit's testimony at the
2 trial goes beyond her powers and authority.

3 57. Plaintiff is absolutely flabbergasted and dumbfounded to learn as to how a judge,
4 even an administrative judge chosen by the Supreme Court of California, sworn to uphold justice
5 and be fair, could stoop low that in order to disbar plaintiff she would vociferously declare stark
6 and obvious lies and contradictions as credible.

7 Examples:

- 8 • Jagjit admitted in open court under cross-examination that he made a false
9 statement in his complaint to the State Bar and signed under the penalty of
10 perjury. (See Statement of Facts, infra, para?).
- 11 • Jagjit admitted in open court under cross-examination that he made a false
12 statement in his complaint to the State Bar and signed under the penalty of
13 perjury. (See Statement of Facts, infra, para?).
- 14 • Jagjit admitted in open court under cross-examination that he made a false
15 statement in his complaint to the State Bar and signed under the penalty of
16 perjury. (See Statement of Facts, infra, para?).
- 17 • Jagjit admitted in open court under cross-examination that he made a false
18 statement in his complaint to the State Bar and signed under the penalty of
19 perjury. (See Statement of Facts, infra, para?).
- 20 • Jagjit stated in his complaint to the State Bar that it was he who was
21 driving the car on February? 1996 when he met with the accident. (?). At
22 the trial he stated that it was not him but his wife who incidentally had
23 never driven a car in her entire life, as she took off on California Freeways
24 in an unknown car after her arrival in the country for the first time. (See
25 Statement of Facts, infra, para?).
- 26 • Jagjit stated in his complaint under the penalty of perjury that he and his
27 wife paid only \$2,100 as fee for the five cases in cash and checks.
28 (Exhibit?). However during trial, he changed his story and said that he

never issued a check because he could not produce any cancelled checks but paid ALL fees in cash. Of course, he never had any receipt because he claimed plaintiff did not give him any receipts. (T.T.

- Though the trial judge has broad discretion in not treating combined THREE drunk driving charges, committed within seven years as here, as felony, plaintiff alleges that trial judge, McElroy, abused her discretion in declaring the testimony of Jagjit as credible. Plaintiff further alleges that the entire testimony of jagjit, taken as whole, and coupled with three drunk driving was not credible.

58. It was vociferously obvious through out the trial that Jagjit was lying and not telling the truth and yet the trial judge, McElroy, declared his testimony to be credible. The trial record is full of inconsistent and untrue statements of Jagjit. However, Plaintiff would illustrate the contradictions and apparent untruth of Jagit in the following few examples.

C. CREDIBILITY OF STATE BAR INVESTIGATOR – MS. VERSTEGEN:

59. Plaintiff alleges that Ms. Verstegen committed obvious perjury when she denied having received a reply response from the Chairman and the Director of Finance. Ms. Verstegen knew that the statement was false and committed perjury with a deliberate intention of harming plaintiff by stating that the letter sent to her at her Los Angeles State Bar office address was not delivered by mail but mysteriously appeared at her desk.

D. DELAY:

60. Plaintiff states that the State Bar trial proceedings are conducted on complicated digital recordings, which have the so-called 'state-of-the-art' technology to download and listen. This digital recording is in total control of the hearing department judge. There are no safeguards afforded to the charged attorney. Plaintiff did make a motion for a live court reporter to the hearing department judge and this motion was denied.

1 61. When Plaintiff found one hour forty minutes of gap in the CD of the trial
2 proceedings, he immediately filed a motion for a new trial. This motion was denied by
3 the Review Department. Instead the Review Department of the State Bar Court ordered a
4 PARTIAL LIMITED TRIAL wherein plaintiff was asked to re-cross examine the main
5 witness, Jagjit. The trial was held ONE YEAR later. It was a very outré, bizarre and
6 Kafkaesque trial that lasted for a few hours. Plaintiff was restricted from examining
7 Jagjit and Jagjit almost took the Fifth Amendment over 85 percent of Jagjit's answers
8 were, "I don't remember. It's been a lime time."
9

10
11 62. Plaintiff further alleges that the trial was unfair in that it took over four
12 years from the date of State Bar filing Notice of Disciplinary Charges to the Review
13 Department asking plaintiff to file a Brief for review. A litigation, which consisted of a
14 single act allegedly committed by plaintiff, took five and one half years to complete,
15 violates plaintiff's right to a fair trial.
16

17
18 ***E. ADEQUACY OF NOTICE:***
19

20 63. Plaintiff alleges that the State Bar violated plaintiff right to adequacy of
21 notice of charges filed against him so that plaintiff has time to prepare for the defense.
22 The Office of the Chief Trial Counsel of the State Bar filed a Notice of Disciplinary
23 Charges (NDC) on about July 25, 2003.
24

25 64. NDC mentioned that the clients gave \$25,000 ONLY to plaintiff for
26 investment purposes. However, during trial, prosecutor Murray had the witness Jagjit
27 testify that he gave another \$6,000 to plaintiff. This was a complete surprise to plaintiff
28 who had no idea how that charge was admitted in to evidence. There was no proof of any

1 bank record, receipt etc. was offered by the prosecutor. The only proof was the testimony
2 of Jagjit who stated that he gave a further \$6,000 to plaintiff IN CASH for investment.

3 4 **SECOND CAUSE OF ACTION**

5 **(Violation of Fourteenth Amendment to the United State Constitution – Due Process Rights** 6 **of Property and Liberty)**

7 65. Plaintiff incorporates by reference the foregoing allegations as though fully set
8 forth herein.

9 66. Plaintiff asserts that he has both property and liberty rights in his license to
10 practice law in California, which he dutifully earned in 1979. On October 24, 2004, the State
11 Bar Court judge, McElroy, took away this license by putting plaintiff on an inactive involuntary
12 list thus suspending him from practice of law. Plaintiff declares that this suspension was illegal
13 and that the trial judge, McElroy, had no authority or power to take away the property and liberty
14 rights of plaintiff. The power to suspend an attorney's license has been vested in the Supreme
15 Court of California and this suspension did not have any sanction or approval of the California
16 Supreme Court. The trial judge, McElroy, quotes Business and Professions Code section
17 6007(c)(4) and rule 220(c) of the Rules of Procedure of the State Bar as her authority. Plaintiff
18 believes that neither the California Legislature nor the Supreme Court has authorized a trial
19 judge of the State Bar to suspend an attorney and take away his right to make a living.

20 67. Plaintiff further asserts that the California Supreme Court erred in not granting a
21 'judicial hearing' and provided him with a written opinion by summarily disposing the case
22 without a review and letting stand the Decision of a State Bar Court judge stand as the final
23 decision. This violates plaintiff's due process rights.

24 68. Plaintiff was served with a Notice of Disciplinary Charges (NDC) by the Office
25 of the Chief Trial Counsel of the State Bar on July 25, 2003. Wherein the State Bar charged
26 plaintiff for misappropriating only \$25,000 of Jagjit and Baljit's money. At the trial, three years
27 later, the Deputy Trial Counsel presented a letter into evidence written by the Director of Finance
28 of AFL, which stated that, the Randhawa's deposited Ten Lakhs of Indian Rupees with the
company for investment.

69. As this letter would have established that the money was indeed received by AFL and not misappropriated by plaintiff, Deputy Trial Counsel, Tammy Albertsen-Murray, asserted that the letter was NOT written by AFL or its fake officers as AFL never existed but by plaintiff only. The only proof offered to substantiate her theory was the testimony of Jagjit who merely stated that he never received that letter in the mail but instead was handed over by plaintiff personally.

THIRD CAUSE OF ACTION

(Violation of 42 U.S.C. § 1985(2) – Conspiracy to interfere with civil rights)

70. Plaintiff incorporates by reference the foregoing allegations as though fully set forth herein.

71. Defendants Murray and Verstegen deliberately, wantonly and knowingly, conspired to destroy, spoliage and hide the exculpatory evidence from the trial judge in order to injure, harm and convict plaintiff of an offense which plaintiff did not commit. A letter from the Chairman and Financial Director of AFL was sent to Verstegen at her Los Angeles State Bar Office address on or about September 17, 2003. This letter came in an envelope that was enclosed in a Red and Yellow DHL Cover envelope bearing stamps and mailing information. (It is customary not only in international mails but in domestic Priority or Fedex mails to just enclose an envelope without stamps in the cover container which actual bears the stamps and mailing information). As it was an international DHL delivery, the letter also included an Airway Bill that was to be signed by an employee of the State Bar at Verstegen's offices. In order to tell the judge during trial that the letter did NOT in fact arrived from India, both Verstegen and Murray conspired to destroy the DHL Red and Yellow Cover Letter bearing the stamps and address of Ms. Verstegen. At the trial Murray made Verstegen testify that the letter did NOT arrive from India as it did not have any stamps on it and implied that it was plaintiff who placed the envelope. However, both Verstegen and Murray forgot that such letters ALWAYS were delivered via an Airway Bill.

71. As DTC Murray introduced this letter and Verstegen's testimony at trial at the last minute without any warning or notice to plaintiff, it was absolutely difficult to refute this

1 testimony at point in time. Plaintiff immediately contacted AFL in India and had them deliver
2 the DHL Airway Bill, which indicated that the letter was delivered at the Los Angeles offices of
3 Versteegen on September 17, 2003 and that someone duly signed it at the offices. A copy of this
4 crucial evidence as Exhibit FFF was sent to the trial judge BEFORE her decision was to be
5 published. The judge knowingly and deliberately ignored this evidence and took the stand that it
6 was inadmissible as it was submitted after the trial. Instead, judge McElroy accused plaintiff of
7 fraudulently placing the said letter at the desk of Versteegen at her Los Angeles office. As she
8 could not substantiate her assertion by any proof whatsoever, she simply speculated about
9 plaintiff committing a fraud and weaving a web of deception. What is so unbelievable is the
10 point that the Supreme Court is absolutely silent no judge's action and findings on this crucial
11 and obvious piece of evidence.

12 72. Plaintiff respectfully requests this Court to please rule on this malicious, blatantly
13 obvious bias and prejudice of judge McElroy who suspended plaintiff's license on October 24,
14 2007.

15 **FOURTH CAUSE OF ACTION**

16 **(Violation of Fourteenth Amendment Equal Protection Clause)**

17 73. Plaintiff incorporates by reference the foregoing allegations as though fully set
18 forth herein.

19 74. Plaintiff alleges that the State Bar Court proceedings violated plaintiff's right to
20 equal protection of the laws as guaranteed by the Constitution in that plaintiff was tried for an act
21 constituting *moral turpitude*. Plaintiff was convicted of committing an act of moral turpitude by
22 a single referee of the State Bar Court who is not a judge of a Court of law. Her decision was
23 allowed to stand as the final decision by the Supreme Court of California without a JUDICIAL
24 HEARING and a WRITTEN OPINION. Plaintiff asserts that denying judicial hearing and a
25 written opinion under such circumstances violates plaintiff's equal protection rights.
26
27
28

FIFTH CAUSE OF ACTION**(Violation of 18 U.S.C. § 1621 - Perjury)**

75. Plaintiff incorporates by reference the foregoing allegations as though fully set forth herein.

76. Credibility of Plaintiff is the fundamental issue of this entire case. Both Baljit and Jagjit Randhawa have attacked plaintiff's credibility. In order to discredit Plaintiff, both Baljit and Jagjit have resorted to lies and false statements where they have clearly committed the acts of perjury. Plaintiff asserts, based on the testimonies given by both Baljit and Jagjit under the penalty of perjury and under the laws of the State of California that both DTC and the judge were FULLY aware of the perjured statements and no action was taken despite various requests made to the judge. Plaintiff, herein, respectfully submits the willful, intentional and deliberate acts of perjury committed by Baljit and Jagjit for evaluation by the Court to decide whether perjury committed in non-judicial, quasi-criminal, administrative settings, particularly during depositions can be considered a felony under the Penal Code section 118³ in California.

Testimony of Baljit:

Q. Did you get a citation on February 22nd, 1996 from a police officer?

A. Yes.

Q. Do you remember what was that case about?

³ 118. (a) Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury.

1 A. *I was driving the car* (Emphasis added). I had no license, but I had a license
2 from India, so I don't speak much English on that time, so I couldn't explain to
3 the officer that I had a license from India. I don't have a license from here.
4

5 Q. So this is your testimony that you were driving the car at that time this accident
6 happened.

7 A. Yes.

8 (T.T. III-60: 24-25, 61:1-9)

9 77. In her affidavit submitted under oath and under the penalty of perjury for the
10 Temporary Restraining Order (TRO) in her Order to Show Cause in the Contra Costa Court,
11 Case Number FL019677 dated April 10, 1996, (Emphasis added), Exhibit OO, she gave the
12 testimony that she was NOT driving the car as she did not know how to drive the car. (T.T. II-
13 73: 8-25, 9:1-2)

14 " 8. On February 22, 1996, Respondent drove me to his
15 brother's home to pick-up my social security card. When I
16 got into the car, I noticed that Respondent was drunk.
17 Respondent was driving very fast and was weaving between
18 cars on the freeway. I was very afraid and told Respondent to
19 slow down and drive carefully. Respondent then said, "I am
20 going to kill you." Respondent hit 2-3 cars and accelerated
21 toward a commercial truck. Respondent rammed my side of
22 the car into the commercial truck. Respondent then pulled the
23 car to the side of the freeway and got out of the car to talk to
24 the truck driver. Respondent then drove away and let me on
25 the side of the road.
26

27
28 9. A passerby let me use his cellular phone and I called
my brother-in-law and told him what happened. The police

1 arrived and questioned me and issued a citation. I do not
2 know how to drive a car and have never driven a car. (See
3 Exhibit A)”

4 Exhibit OO, Marriage of Randhawa

5 Attachment to Application and

6 Declaration for Order

7 Page 3:1-17 Case No. FL019677, Filed

8 April 10, 1996 in the San Francisco City

9 and County and represented by an

10 Attorney by the name of Judy B. Louie

11 of the Nihonmachi Legal Outreach.

12
13
14 78. It was an intentional and deliberate lie. The sad part is that the judge
15 KNEW it to be false. Baljit is trying to save her husband, Jagjit from the perjured
16 statement made earlier that the said accident was not HIS. Jagjit's credibility would have
17 been devastated if it was proven that he lied under oath. To protect him, she lied. The
18 judge sided with Jagjit despite this admission.

19
20 79. Moreover, DTC was absolutely aware of this fact, that Baljit was NOT the
21 driver of the car on February 22, 1996. DTC had the Contra Costa Court papers of
22 Baljit's affidavit in the Order to Show Cause (Exhibit OO) in her possession. DTC even
23 confirmed it during the trial as to when Baljit FIRST met with Plaintiff and when and on
24 what kind of case Plaintiff represented Baljit. (T.T. II73: 6-25)

25
26
27 *Testimony of Jagjit:*

28 80. There are over fifty-three instances of false statements made by Jagjit
during the depositions and the trial. If permitted and ordered by this Court, Plaintiff

1 would be honored to chronologically present them...However, the obvious lie relates to
2 the above-mentioned vehicle code violation.

3
4 81. Jagjit committed perjury when he testified under oath that he was not the
5 driver of the car of the vehicle code violation, which occurred on February 22, 1996. It
6 appears that because the citation was in the name of his wife, DTC must have told him to
7 lie and state that it was not he who was driving but his wife. Apparently he forgot to tell
8 DTC that this lie would not fly because, one, his newly arrived wife had never driven a
9 car in her life and two, people in India drive on the left side of the road and the steering
10 wheel of the cars is on the right side. Furthermore, over one billion people of India
11 would be in awe if they were told that a young lady from India who had never driven a
12 car in her life took her first drive on the freeways of California. (Here is an example of
13 disadvantage the California attorneys have over the rest of Americans – the attorney
14 cannot have a jury trial.)

15 *Testimony of State Bar Investigator, Ms. Alice Verstegen:*

16 82. Alice Verstegen took an oath during the trial before the State Bar Court
17 judge to tell the truth. Plaintiff contends that an oath to tell the truth even before a non
18 Article VI Section 1 judge qualifies as an oath administered before a competent tribunal
19 and falls under 18 U.S.C. §1621 statute. Verstegen, deliberately, wantonly and
20 knowingly made false and incorrect statements and hid the true facts. Plaintiff points out
21 these false statements as follows:

22
23 Q. Okay. Now, that was a February 19, 2003 letter. On page 2 of the exhibit, there 's a
24 signature. Would that be your signature?

25 A. Yes, it is.

26 Q. Kanwal Sain, that's K-A-N-W-A-L, S-A-I-N, who looks like the financial controller
27 of Amerindia Foods.

28 A. MR. KHANNA: I'm sorry, just what number is that?

Q. MS. ALBERTSEN: 21

1 A. Mr. KHANNA: Thanks

2 Q. Do you recall drafting this letter to Mr. Sain?

3 A. Yes, I do

4 Q. Can you tell the Court why you drafted this letter to Mr. Sain?

5 A. There was so much confusion as to who owned Amerindia Food. So, what I did to
6 try and get some clarification from the controllers of that corporation was to write to
7 them in there to the different people involved that was on the letterhead.

8 Q. Do you recall whether you received a response this February 19, 2003 letter from Mr.
9 Sain

10 A. *No, I did not* (Emphasis added)

11 (T.T. III-10: 4-25, III-11: 1-2)

12 83. This statement is false. Ms. Verstegen is a sixteen years veteran in the State Bar
13 investigator unit. She is neither a novice nor a new comer in the field of direct and cross-
14 examination. For her to make a false statement, it can be safely assumed that there were some
15 higher up who were controlling this litigation.

16 84. Ms. Verstegen DID receive the letter from India and from AFL. This letter, State
17 Bar Exhibit 27, was addressed to her and it was admitted into evidence. Furthermore, she did go
18 through this letter. (T.T.III-54: 6-8). The letter in question, Exhibit 27 reads as follows:

19 [Letterhead]

20 Alice Verstegen
21 Attorney, Special Investigator
22 Office of the Chief Trial Counsel, Enforcement
23 The State Bar of California
24 1149 South Hill Street
25 Los Angeles, California 90015-2299
26 UNITED STATES OF AMERICA

27 **REFERNCE YOUR LATTER DATED 19/2/2003 AND ADDRESSED TO MR. KANWAL**
28 **SAIN, FINANCIAL CONTROLLER OF AMERINDIA FOODS LIMITED (AFL)**

1 85. It could be said that she overlooked this 'block capital bold' reference.
2
3 Furthermore, the letter was duly signed by Mr. Kanwal Sain. However, when this statement is
4 compared to the other vital statements, it absolutely confirms that Ms. Verstegen committed
5 perjury under oath.

6 86. When asked later if she had received this letter in the form of a fax also or not,
7 she replied that she did not. Whereas the fax was indeed sent to the State Bar offices from India.
8 Plaintiff cannot offer any evidence at the moment because he does not have the discovery orders
9 to search State Bar fax journal for those dates. What confirms that Ms. Verstegen committed
10 perjury is the fact that she took the position that the letter from India suddenly and mysteriously
11 appeared at her desk and the DHL red and yellow container was missing, suppressed or
12 destroyed.

13 **SIXTH CAUSE OF ACTION**

14 **(VIOLATION OF SIXTH AMENDMENT – RIGHT TO COUNSEL)**

15
16 87. Plaintiff incorporates by reference the foregoing allegations as though fully set
17 forth herein.

18 88. Plaintiff alleges that there is a considerable confusion whether an accused
19 attorney has the right to a counsel in the proceedings before the hearing department or
20 not. The Review Department cases suggest that an attorney does NOT have any
21 constitutional rights to counsel or effective assistance from counsel in disciplinary
22 hearing. More confusion arises about the California Supreme Court's holdings in some
23 cases. Plaintiff asserts that his rights to counsel as protected by the Sixth Amendment to
24 the Constitution were violated in these proceedings before judge McElroy. Plaintiff was
25 tried with a charge of 'moral turpitude'. Plaintiff should have been given the opportunity
26 by the judge to retain a lawyer particularly when plaintiff suffered a heart problem and
27
28

1 could not continue. No reasonable opportunity was afforded to plaintiff in these
2 proceedings. Plaintiff made an urgent appeal to the judge during trial for the need of a
3 lawyer. This appeal did not ask for the State Bar Court to appoint counsel. Plaintiff was
4 himself going to pay. This request was denied. The following is the appeal by plaintiff to
5 the judge and her answer:
6

7
8 MR. KHANNA: Your Honor, can I ask for a continuance because I do not
9 have (testimony missing) I feel here very strongly that I do not have the
10 ability here to really question and I'm taking the time of this Court and I
11 (testimony missing)

12 THE COURT: No, I think I'll – I'll give you five minutes to compose
13 yourself and think of the questions.

14 MR. KHANNA: I need to get a lawyer. I just need to get a lawyer.

15 THE COURT: At this point. It's (testimony missing)

16 MR. KHANNA: This is very crucial (testimony missing) a very crucial matter.
17 False statements have been filed with the State Bar, and I need somebody to kind
18 of help me, and I'm asking that I need to get (testimony missing)

19 THE COURT: I am not going to give you a continuance.

20 MR. KHANNA: Okay, all right your Honor.

21 THE COURT: You had two lawyers in this case. They represented you ably,
22 and for some reason, they're no longer representing you, and we need to proceed.

23 MR. KHANNA: Yes (testimony missing)

24
25 T.T. II-54: 5-24

26
27 86. Plaintiff feels that the way and in the tone the hearing department judge
28 denied this request was very inhumane and also cruel in nature given the circumstances.

1 Right during the stressful questioning of the main witness, Baljit, Plaintiff suffered an
2 attack of Tachycardia where his heartbeat shot up to 200 to 250; he became disoriented,
3 dizzy and almost collapsed. Plaintiff immediately took his medicine and requested the
4 need for a counsel. He asked just for ONE-day continuance. This is what happened at the
5 hearing:
6

7
8 MR. KHANNA: I am tired, your Honor. I just can't do (testimony missing)
9 its 4:30 and I'm (testimony missing)

10 THE COURT: No, I understand that, but you need to - - (testimony missing) if
11 you're going to ask her questions - - (testimony missing)
12

13 MR. KHANNA: I am very sick and I'm not feeling well, your Honor, and I
14 can get you a doctor's certificate, if that's needed.

15 THE COURT: I understand that, but the witness is here and she - (testimony
16 missing)
17

18 MR. KHANNA: I just am not in a position, your Honor. I'm sick.

19 THE COURT: Do you have questions to ask her?
20

21 MR. KHANNA: Yes, a lot. A lot of questions to ask her.

22 THE COURT: Well, you need to ask her at least questions till 5:00
23

24 MR. KHANNA: I can't do it right now in half an hour.

25 *THE COURT: No one is saying that you have to complete it in half an hour,*
26 *but what we are saying is that you have to begin to ask her questions.*

27 MR. KHANNA: Your Honor, I'm requesting very humbly that I'm tired. I am
28 not well.

1 THE COURT: I understand that. I'm asking -- (testimony missing)

2 MR. KHANNA: I have a heart condition and I don't think I can carry on. I
3 need -- (testimony missing) I need help to do it tomorrow morning.
4

5 THE COURT: Well, what we -- what do you mean?

6 MR. KHANNA; I have to cross-examine her tomorrow.
7

8 *THE COURT: Right, and what I'm suggesting is that you cross-examine*
9 *her until 5:00. Ask her questions until 5:00, and then we will take a break.*

10 MR. KHANNA; I want to -- (testimony missing)

11 Your Honor. I'm just not well and I'm being forced to do that. This is just --
12 (testimony missing) anyway, I'll do whatever you say.
13

14 THE COURT: Okay, let's proceed. At least, get some questions out, because
15 she cannot keep coming back as a witness.
16

17 T.T. II-95: 3-25,96:1-15

18 89. Plaintiff submits his treating physician, Dr. John Edlin's, one of the Bay
19 Areas' top Cardiovascular surgeon, letter testifying that the situation which occurred
20 during the trial is very likely to happen given the medical condition of Plaintiff. The
21 letter is attached as Exhibit GGG.
22

23 **DEMAND FOR A JURY TRIAL**
24
25

26 90. Plaintiff respectfully demands a jury trial for all issues.
27
28

PRAYER FOR INJECTIVE AND DECLARATORY RELIEF

1
2 91. Plaintiff requests this Court to issue an Order directing the California
3 Supreme Court to reinstate plaintiff as an active and honorable member of the State Bar
4 of California till this case is decided.
5

6 92. Plaintiff asserts that there is nothing in the trial transcripts, which shows
7 that:
8

- 9 a. Except this single controversial incident that is to be litigated, there is
10 no proof offered by the prosecutor that plaintiff has caused or is causing
11 substantial harm to the attorney's clients or the public.
12
13 b. There is a reasonable likelihood that the harm will reoccur or continue.
14 This incident occurred in 1996 and plaintiff severed the relations with
15 these clients in 1997. Since 1997 to the date of trial August 17, 2004,
16 plaintiff has represented over 200 clients and there has been no
17 complaint whatsoever. In fact and it is open and proven record that
18 ALL these clients were extremely satisfied
19
20 c. The judge failed to prove or give any example whatsoever that the
21 balance of interest, as between the attorney on the one hand and the
22 attorney's clients and the public on the other hand, favored involuntary
23 inactive enrollment.
24
25

26 93. Plaintiff requests this Court to issue an Order directing State Bar of
27 California not to destroy logs of its incoming mail registry from the period of August 11,
28 2003 to October 11, 2003.

1 94. Plaintiff requests this Court to issue an Order directing Sate Bar of
2 California not to destroy logs of its incoming fax registry from the period of August 11,
3 2003 to October 11, 2003.
4

5
6 **PRAYER FOR COMPENSATORY DAMAGES**
7

8 95. Plaintiff prays for compensatory damages approximately in the amount of
9 Two Million U.S. Dollars (\$2,000,000) which shall be proven at the time of trial/
10

11 **PRAYER FOR PUNITIVE DAMAGES**
12

13 96. Plaintiff prays for punitive damages against all defendants for deliberately
14 conspiring to frame plaintiff for the single act of using the investment money for his personal use
15 – which is now clear that he did not. Plaintiff alleges that the State Bar prosecutor along with
16 Ms. Verstegen, the investigator, deliberately, wantonly, knowingly and voluntarily conspired to
17 fabricate, destroy and spoliage the crucial exonerating and material evidence. Plaintiff further
18 alleges that the judge deliberately and knowingly destroyed and erased one hour forty minutes of
19 exculpatory testimony of the main witness from the recording machine. Her silence in the
20 decision is a strong indication of her act. Plaintiff alleges that the judge did go through the entire
21 transcript recorded on the CD before issuing her scathing and biased opinion. Plaintiff further
22 alleges that the judge conducted a bizarre, outré and Kafkaesque trial by not allowing plaintiff to
23 cross examine witnesses, by not allowing plaintiff to present his character witnesses, by not
24 allowing plaintiff to seek the help of a lawyer when plaintiff fell ill during the trial. Plaintiff
25 alleges that these acts of the judge and the prosecutor are sufficient to warrant punitive damages.
26 Plaintiff further alleges that the judge abused her discretion knowingly when she tarred and
27 feathered plaintiff with such devastating language such as, “ This disciplinary case involves a
28 seasoned attorney who had created a web of deception to seduce his clients to invest \$31,000 in a

1 sham corporation and who insists on these same fraudulent and contrived misrepresentations
2 before this Court. His acts of moral turpitude and dishonesty shock the conscience of the legal
3 profession, pose a danger to the public, and degrade the highest possible standards for attorneys.”
4 (Decision –opening Paragraph). Plaintiff alleges that the judge, who was so full of hate and
5 prejudice, made these false yet powerful accusation deliberately, wantonly and menacingly in
6 order to make a sweeping annihilation of plaintiff’s career, right to make a living and reputation.
7 This case, at the present moment, with newly discovered evidence proves beyond any shadow of
8 doubt the purposeful prejudice of the judge and the State Bar against plaintiff. Plaintiff requests
9 an award of 4 times the compensatory damages totaling about \$8,000,000.00 (Eight Million U.
10 S. Dollars) as punitive damages.

11 97. Plaintiff is seventy years old. He is an immigrant from India who has
12 worked extremely hard in this country. He has raised a wonderful family and has a
13 fabulous reputation in the community as a kind and caring person. He has been
14 practicing International Project Finance for the past twenty-five years and has advised
15 reputable law firms like Gibson, Dunn & Crutcher; White & Case; Gray Cary and major
16 India companies. Because this husband and wife team was from India and from Punjab,
17 plaintiff undertook representation when no other attorney was there to help them. They
18 could not pay legal fees and spoke Punjabi which plaintiff knew. Husband had three
19 DUIs and used to beat up his new arrived wife from India. Wife had her own problems
20 of shoplifting and TROs. Plaintiff provided excellent legal services and was paid only
21 \$2,100 for five different cases and over \$15,000 is still due. Suddenly, around September
22 1996, these clients came into some money and deposited \$16,000 in one of plaintiff’s
23 account for onward transmission into an Indian company which plaintiff was
24 representing. This was done WITHOUT plaintiff’s knowledge. Plaintiff duly sent that
25 money to AFL, which the judge ruled was not sent. The trial records clearly show that
26
27
28

1 prosecutor absolutely failed to prove her charges. However, the judge has decided
2 otherwise and the Supreme Court has denied review. Plaintiff respectfully requests this
3 Court to please not allow State Bar Disciplinary authorities to fabricate evidence and
4 destroy the life of a law-abiding innocent citizen whose only brushes with the law are a
5 couple of speeding tickets in his entire forty years in the States. Plaintiff's suffering and
6 pain inflicted by the State Bar is unparalleled in the history of State Bar disciplinary cases
7 in all the fifty states and other territories of the United States. There is no yardstick to
8 measure these damages. Four times the compensatory damages would at least provide
9 some lessons to the State Bar Disciplinary authorities to obey the laws, morals and ethics
10 and may deter them from tarnishing the name of such a prestigious body of hard working
11 attorneys of this state.
12
13

14
15 98. With respect to all Claims for Relief enumerated herein, as against all
16 named defendants, reasonable attorneys' fees, court costs, expenses and disbursements.
17

18 99. And all such other relief as this Court shall deem just and proper.

19 Respectfully submitted.

20 Dated this 15th day of May, 2007



PADAM KUMAR KHANNA

2600 Tenth Street, Suite 407
Berkeley, CA. 94710

Tel: 1-510-549-2786
Fax: 1-510-549-2832
EMail: pkhanna@pacbell.net

ATTACHMENTS AND REFERENCES TO ABBREVIATIONS

ATTACHMENT ONE: CRIMINAL COMPLAINT FILED IN THE COURT OF SH. ACCM, ROHINI DISTRICT COURT, DELHI ON NOVEMBER 12, 2006 BY AMERINDIA FOODS LIMITED (AFL), NEW DELHI

ATTACHMENT TWO: COPIES OF THE DOCUMENTS FILED AS ANNEXURES BY AFL IN SUPPORT OF ITS APPLICATION

ATTACHMENT THREE: A LEGAL NOTICE FROM MR. R. S. MAHLA, ADVOCATE FOR AFL IN INDIA

EXHIBITS; NUMBERED EXHIBITS BELONG TO THE STATE BAR
& LETTERED EXHIBIT BELONG TO PLAINTIFF

T.T. TRIAL TRANSCRIPT – STATE BAR COURT CASE NO. 02-O-11383-PEM

T.T. I TRIAL TRANSCRIPT VOLUME I

T.T. II TRIAL TRANSCRIPT VOLUME II

T.T. III TRIAL TRANSCRIPT VOLUME III

ATTACHMENT ONE

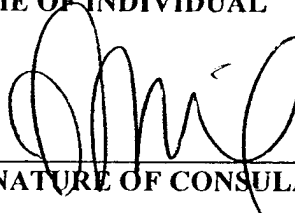
GENERAL AUTHENTICATION CERTIFICATION

REPUBLIC OF INDIA)
CITY OF NEW DELHI)
EMBASSY OF THE UNITED)
STATES OF AMERICA)

SS:

I certify that the official named below, whose true signature and official seal are, respectively, subscribed and affixed to this document, was, on this day, empowered to action the official capacity designated in the document, to which faith and credit are due.

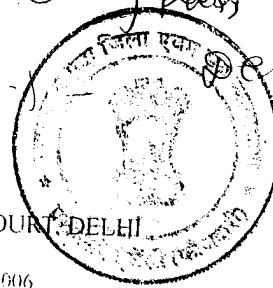
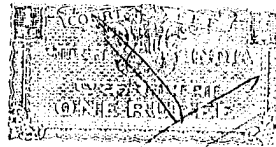
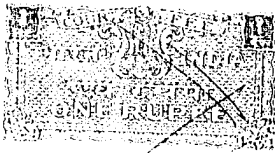
Sanjeev Manchanda
NAME OF INDIVIDUAL


SIGNATURE OF CONSULAR OFFICER

Patrick McNeil
Consul
U. S. Embassy
New Delhi, India
COMMISSION EXPIRES : INDEFINITE
NAME/TITLE OF THE OFFICER

- 8 FEB 2007
DATE

in the court of Mr. Moneybags



IN THE COURT OF SH. ACMM, ROHINI DISTRICT, COURT DELHI

COMPLAINANT NUMBER _____ OF 2006

IN THE MATTER OF:-

M/S Amerindia Foods Limited
14E/CC Harinagar
New Delhi 110064

...COMPLAINANT

VERSUS

Sh. Jagjit Singh Randhawa
395 Sparrow Drive
Hercules, California
United States of America

11-12-06
Sanjay Kumar Grewal
12-12-06

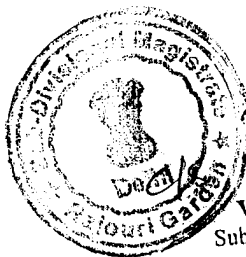
11-12-06

Smt. Baljit Singh Randhawa
395 Sparrow Drive
Hercules, California
United State of America

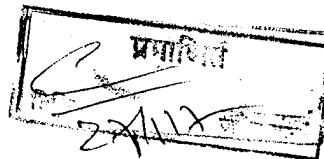
...ACCUSED PERSONS

COMPLAINT U/S 156 (3) Cr.P.C READ WITH 420/120B/471/191 OF IPC ON
BEHALF OF COMPLAINANT

COMPLAINANT FILED UNDER IPC SECTIONS 191 THROUGH 209
INCLUSIVE FOR FILING FALSE EVIDENCE AND COMMITTING PERJURY
UNDER OATH IPC SECTION 120B, CRIMINAL CONSPIRACY READ WITH
SS 471 AND 420, IPC FOR CONSPIRING WITH THE STATE BAR OF
CALIFORNIA, USA. PROSECUTOR TO USE FORGED DOCUMENTS AND IPC
SECTIONS 206 TO 211, INCLUSIVE, ABUSE OF PROCESS.



27/10/07
VIJAY DATTA
Sub Divisional Magistrate
Rajouri Garden,
Old Middle School Complex,
Rampura, Delhi-110035



[illegible]

7-2 FEB 2007

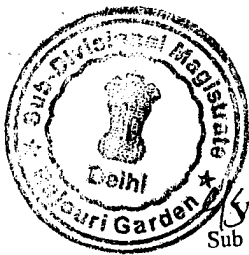
1508-10-1-56

- 2 -

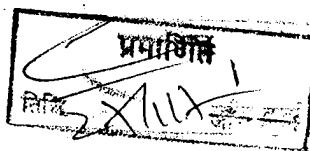


1. ~~Complainant~~ company, Amerindia Foods Limited, hereinafter referred to as AFL, is a duly registered Indian Corporation in the State of Andhra Pradesh with offices at New Delhi and Nasik, Maharashtra. It was incorporated on 30th October, 1992 (8th Kartikika 1914saka), under the Indian Company Act 1956 pursuant to Section 149 (3). Its corporate number is 01-14948. The Certificate of Incorporation is attached herewith as ANNEXTURE 1.
2. AFL commenced its agriculture based business on 3rd March, 1994. The Certificate of Commencement of Business is attached as ANNEXTURE 2. Mr. Kanwal Sain is the Chairman and Managing Director of the company and is fully conversant with the facts and is authorised by the Resolution dated November 4, 2006, unanimously passed by the Board of Directors, to sign, verify and institute the present suit. The said Resolution is attached herewith as ANNEXTURE 3.
3. ~~Accused~~ Number One, Jagjit Singh Randhawa, hereinafter referred to as 'Randhawa', is a United States citizen and a person of Indian origin who has conducted business with AFL since November 20, 1996 and is a duly registered shareholder of AFL holding Share Certificate Number 8, issued on 13th of November, 2003 against the payment of Rupees 5,00,000 duly received by AFL on 30th December, 1996. The Share Certificate is attached herewith as ANNEXTURE 4. The receipt of Rs. 5,00,000 for the account of Shri Jagjit Singh Randhawa deposited in the Union Bank of India, Nasik is attached herewith as ANNEXTURE 5 and it bears the Union Bank of India deposit receipt number 001108 and the account number of AFL.
4. ~~Accused~~ Number Two, Baljit Singh Randhawa, who is also a United States citizen and a person of Indian origin, is the wife of Defendant Number One. Defendant Number Two claims that the

2



VSD
57407
VIJAY DATTA
Sub Divisional Magistrate
Rajouri Garden,
Old Middle School Complex,
Ranipura, Delhi-110035



सं० २०१७ दिनांक ७ FEB 2007
No. 2017 Date 7 FEB 2007
अतिरिक्त विवाह मजिस्ट्रेट / रत डिप्टीजल
मजिस्ट्रेट / जर्नल मजिस्ट्रेट / विवाह
मजिस्ट्रेट / जर्नल मजिस्ट्रेट को हस्त कर
सर्वमत करि ज्ञातु ।
The Signature of 2017/2007 (Executive)
M. of External Affairs / Registrar of Marriage /
Notarized



(संजीव मनचंदा)
(SANJEEV MANCHANDA)
अध्याग अधिकारी (ओ.आई.)
Section Officer (O.I.)
ओपीडी प्रभाग/CPV Division
विदेश मंत्रालय, नई दिल्ली
Min. of External Affairs, New Delhi